

7 FAM 570 IMPORT AND EXPORT CONTROLS

(TL:CON-14; 3-28-85)

7 FAM 571 INTRODUCTION

Since the earliest days of this nation U.S. citizens have carried on international trade and sought to control such trade. The two agencies which currently are most involved in such control are the United States Customs Service (Customs) and the International Trade Commission (ITC).

7 FAM 572 AUTHORITY

7 FAM 572.1 Statutory and Regulatory Basis of Import Controls

a. The importation of merchandise into the United States, and the requirements for documentation, are controlled either directly by law or by regulations. The basic import control functions for which consular officers are responsible, with regulatory citations, are listed in 7 FAM 572 Exhibit 572.1 a.

NOTE: The list includes many controls not requiring a consular function or duty.

b. Regulatory powers rest almost entirely with the heads of agencies other than the Department of State. The principal exception is the regulatory power of the Secretary of State with respect to munitions control, which prescribes a licensing procedure for the export, temporary import, and intransit shipment of firearms, ammunition, and other defense articles and defense services (see numerous authorities cited in 22 CFR 121-130; see also 10 FAM 750 for regulations governing the export, temporary import, and intransit shipment of defense articles and defense services).

c. The permanent importation of firearms, ammunition, and other defense articles and defense services is regulated by the Department of the Treasury (see 27 CFR 47 and 179).

7 FAM 572.2 United States Customs Service

a. The Customs Service, established on July 31, 1789 by the fifth act of the first Congress (1 Stat. 29), authorized customs officers in customs districts to collect duties on goods and merchandise as required by the second act of the same Congress on July 4, 1789 (1 Stat. 24).

b. The Customs Service collects revenues from imports and enforces customs and related statutes. It administers the Tariff Act of 1930 (19 U.S.C. 1332), seeks to control copyright, patent, and trademark provisions of law; monitors international commerce; prevents the entry of contraband; and apprehends persons engaged in fraud to circumvent customs and pertinent statutes.

7 FAM 572.3 International Trade Commission

a. The International Trade Commission (ITC) is an independent agency established by Congress on September 8, 1916 (39 Stat. 795), then known as the United States Tariff Commission, and renamed by the Trade Act of 1974 (88 Stat. 1978; 19 U.S.C. 2231). Its present powers and functions are based primarily on the Tariff Act of 1930 (19 U.S.C. 1332), the Agricultural Adjustment Act of 1933 (48 Stat. 31), the Trade Expansion Act of 1962 (76 Stat. 872), the Trade Act of 1974 (88 Stat. 1978), and the Trade Agreements Act of 1979 (93 Stat. 144).

b. The Commission has broad powers of investigation relating to U.S. and foreign customs laws, the volume of importation (as compared with domestic consumption and production), foreign industrial competition, and other aspects of competition between imports and U.S. productivity. To discharge these responsibilities the Commission engages in extensive research and maintains expertise in all aspects of international trade and commerce.

7 FAM 573 DEFINITIONS

In addition to terms defined in section 7 FAM 003 , the following terms are commonly used in import and export control functions:

a. "Alcoholic liquors" means liquid substances containing a colorless, volatile liquid, a product of vinous fermentation obtained primarily from potatoes and grains by a process of brewing followed by distillation. These substances are used in beverages, medicines, and industrial products and processes.

b. "Certificate" means a written statement attesting to the truth or fact of the signature of a shipper or vessel's master on the declaration covering a shipment of alcoholic liquors or other commodities to be imported into the United States.

c. "Commerce" means business transactions, particularly in the exchange or buying and selling of commodities, generally on a large scale, between different and distant places.

d. "Consignee" means a person or agent in another location to whom commodities are conveyed, delivered, sent, or shipped to be cared for, sold, or disposed of as prearranged.

e. "Consignor" means a person who sends, delivers, or transfers commodities to a person or agent in another location.

f. "Contraband" means the illegal importation of goods or the illegally imported goods themselves.

g. "Control" means the act, fact, or practice of limiting, restraining, or directing power or authority involved in various aspects of international commerce.

h. "Customs" means revenues or fees exacted by a government on goods or

commodities being imported or exported or en route to or from market. In practice, export duties are seldom imposed nowadays.

i. "Export" means to convey or send abroad commodities or merchandise for purposes of commerce.

j. "Import" means to bring commodities or merchandise into the United States from a foreign country in the transaction of commerce.

k. "License" means authority granted by a government to carry on activities of international commerce or limited to a particular commercial function, such as importing a specific commodity from abroad.

l. "Manifest" means a public declaration or statement, such as a list or invoice of cargo to be conveyed, by whatever means, specifying the contents, amounts, description of goods, shipper, consignee, and other information

pertaining to each package, which statement must be exhibited at the customs office at the port of entry or destination.

m. "Munitions" means defense articles and defense services as defined in 22 CFR 121.01 (the U.S. Munitions List).

n. "Smuggling" means importing, exporting, or conveying into or out of a country secretly and by evading the law items of merchandise, forbidden articles, and even sometimes human beings, with fraudulent intent or purpose.

o. "Trade" means international business activities or commerce. It includes every kind of exchange or transaction in goods, manufacture, conveyance, and related financial dealings.

7 FAM 574 FOREIGN SERVICE ROLE IN U.S. IMPORT CONTROLS

7 FAM 574.1 Consular Powers and Functions

With the elimination of the requirement for consular certification of invoices of merchandise on October 1, 1955, only a few prescribed statutory powers, duties, or functions remain for consular officers in the control of imports. These are readily identified by U.S. Code and CFR references in 7 FAM 572 Exhibit 572.1a. In addition, consular officers may provide inquirers with general information about import controls. Posts should have on hand pertinent references to laws and regulations and should maintain a supply of U.S. Government publications for use in responding to public inquiries. See 7 FAM 574 Exhibit 574.1 for a list of information on import controls.

7 FAM 574.2 Inquiries on Tariff Acts and Customs Regulations

When inquiries are received from exporters, travelers, or other interested parties about tariff acts or customs regulations, consular officers should refrain from giving, or appearing to give, decisions or information about matters which they are not competent or authorized to discuss. However, since consular posts are usually the first place to which a U.S. or other citizen directs an inquiry, posts should stock a sufficient supply of relevant publications, forms, leaflets, and pamphlets to meet needs that arise (see 7 FAM 574 Exhibit 574.1).

7 FAM 574.3 Samples for District Directors of Customs

When a request is received from a U.S. District Director of Customs, a consular officer should procure and forward samples of merchandise being imported or offered for importation into the United States from the consular district to which the officer is assigned.

7 FAM 575 ASSISTANCE TO CUSTOMS AND ITC REPRESENTATIVES

Consular officers should provide all proper assistance to U.S. Customs Service and ITC representatives abroad who are performing their official duties.

7 FAM 576 IMPORTING ALCOHOLIC LIQUORS ON SMALL VESSELS

7 FAM 576.1 Procedure

a. A provision in the Anti-Smuggling Act of 1935 (19 U.S.C. 1707), intended to ensure effective checks on liquor entering the country on small vessels, requires that vessels not exceeding 500 net tons arriving from a foreign port or ports, or from having visited a hovering vessel, carry certificates for the importation of any alcoholic liquors on board, other than sea stores.

b. The certificates are for delivery to the boarding officer with the inward foreign manifest. Each such document, covering only one shipment from one consignor to one consignee or firm of consignees by the same vessel, consists of a declaration of the master of the vessel together with the certificate of a U.S. consular officer or other person authorized to act for the consular officer (see section 7 FAM 576.3).

7 FAM 576.2 Certification at Outlying Ports

Upon request of interested shippers or masters of vessels at port in the consular district, other than the place where the consular office is situated, consular officers should designate one or more reputable persons residing in each such port as authorized persons to witness the signatures of the masters affixed to declarations covering shipments of alcoholic liquors destined to the United States and to affix a certificate to each declaration, in compliance with the Anti-Smuggling Act (see section 7 FAM 576.3). Any persons so designated by a consular officer must state in each certificate issued that they have no vested interest in the shipment described. A designated person delivers the original certificate to the ship's master and forwards the duplicate document to the consular officer for retention.

7 FAM 576.3 Format of Certificates

Formerly printed forms were made available to ships' masters for use in preparing declarations, as required by the Anti-Smuggling Act. Such forms are no longer provided. Masters, in drawing up their declarations, and consular officers or other designated persons, in affixing certificates to the declarations, should be guided by the format provided in the customs regulations (19 CFR 4.13), reproduced in 7 FAM 576 Exhibit 576.3 . The impression of the consular seal is not required.

7 FAM 577 IMPORTING AND EXPORTING MUNITIONS

7 FAM 577.1 Purpose

a. While the U.S. Government strives for a world free of war and the need for armaments, as stated in the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2551 et. seq.), it also recognizes that the United States and other nations continue to have valid munitions requirements for effective and beneficial defense relationships that can foster the environment of international peace and security. The quality and compatibility of their defense equipment have a direct bearing on the effectiveness of their international defense cooperation for the deterrence of aggression and promotion of peace. Therefore the United States pursues the policy of entering into international arrangements with other countries that further the cause of world security.

b. The import and export of items on the U.S. Munitions List comes under the provisions of Section 38 of the Arms Export Control Act (22 U.S.C. 2778). The International Traffic in Arms Regulations, promulgated pursuant to that authority, contain the U.S. Munitions List and requirements relating to the export of defense articles and defense services (see 22 CFR 121-130; see also 10 FAM 750). Designations of defense articles and defense services subject to control have the concurrence of the Secretary of State and the Secretary of Defense. Administration of the International Traffic in Arms Regulations comes under the Office of Munitions Control (PM/MC) in the Department of State. The Bureau of Alcohol, Tobacco and Firearms (ATF) in the Department of the Treasury is responsible for administration of import procedures.

7 FAM 577.2 Registration

a. Persons and firms engaged in export or manufacture of items included on the U.S. Munitions List must register with the Secretary of State (Office of Munitions Control (PM/MC); see 22 CFR 122; see also 10 FAM 750 and pertinent Appendix). For the consular officers' information, applicants who wish to register, for a period of 1 to 5 years, must submit a satisfactorily completed Department of State Form DSP-9, Application for Registration, available from PM/MC, with payment of a fee, as follows:

- (1) For 1 year's registration: \$125;
- (2) For 2 years' registration: \$250;
- (3) For 3 years' registration: \$350;
- (4) For 4 years' registration: \$425; or
- (5) For 5 years' registration: \$500.

NOTE: -- The fees cited are current as of November 1, 1984; an increase is expected early in 1985.

Applications and fees (by money order or by check payable to the Department of State) must be mailed to the Cashier (ESC/C), Department of State, Washington, D.C. 20520. b. Persons and firms in the United States engaged in the business of importing articles included on the U.S. Munitions List must register with the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226. Generally, consular personnel do not become involved in this process.

7 FAM 577.3 Consular Officer's Role

a. Inquiries and other matters about exporting munitions should be directed by consular personnel to the Office of Munitions Control, at the address given in section 7 FAM 577.1 b . Consular officers should not attempt to provide information on munitions export matters or to handle the inquiries themselves.

b. All inquiries about importing munitions should be directed to the Bureau of Alcohol, Tobacco, and Firearms (see section 7 FAM 577.2 b). For the consular officers' own information, 22 CFR 123.02 specifies that:

Equipment on the U.S. Munitions List shall not be imported into the United States unless (a) it had been previously exported temporarily under a license issued by the Department of State; (b) it constitutes a temporary import under the Intransit license procedure (see subsections 123.03 and 123.09); or (c) its import has been authorized or exempted by the Secretary of the Treasury (26 CFR Parts 178 to 180).

c. Any other situations related to a service for the Bureau of Alcohol, Tobacco, and Firearms on which the post requires guidance may be reported to the Department (CA/OCS/CCS) by memorandum or telegram, TAGS: CFED; Subject: Federal Agencies (Bureau of Alcohol, Tobacco, and Firearms).

7 FAM 578 SOURCES OF INFORMATION

The provisions of agency regulations are subject to change periodically. The complete texts of those regulations are located in the Code of Federal Regulations (CFR), with current amendments printed in the Federal Register. Generally the same regulations also are found in specialized publications of the agencies concerned, as well as in standard commercial reference volumes.

7 FAM 579 UNASSIGNED

7 FAM 572 Exhibit 572.1a

SUMMARIZATION OF IMPORT CONTROLS: CONSULAR FUNCTIONS

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Functions

Preparation of Certificate of Consular Officer, to accompany shipments of alcoholic liquors on vessels of not over 500 tons.

Preparation of consular certification about compliance with host country/ province/dependency laws or regulations in the export of wild mammals and birds.

Preparation of consular authentication of a certificate of Eligibility of tuna products for entry into the United States (authentication of the signature and official position of the person executing the Certificate).

For American Embassy, Mexico, only. Assistance with return to United States of stolen automobiles, trailers and airplanes, specifically: Preparation of a letter stating that "the Embassy is satisfied from information furnished it that the property is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936" and including a description of the property for identification purposes.

Citations to Legal Authorities

Anit-Smuggling Act of 1935. See 19 U.S.C. 1707, 19 CFR 4.13 (excerpted in 7 FAM 576 Exhibit 576.3) and 22 CFR 9.14

19 U.S.C. 1527 (for excerpt, see 7 FAM 572 Exhibit 572.1a , pages 2 and 3).

50 CFR 281.7(b) (for excerpt, see 7 FAM 572 Exhibit 572.1a , pages 4 and 5). For samples of authentications, see 7 FAM 800 , Notarial Services.

19 CFR 123.72 (for excerpt, see 7 FAM 572 Exhibit 572.1a , page 6).
Convention between United States and Mexico, October 6, 1936 (50 Stat. 1333); 22 CFR 32.

Note. -- A new convention between the United States and Mexico, for the recovery of stolen or embezzled vehicles and aircraft was signed in Washington, D.C. on January 15, 1981 and entered into force on June 28, 1983.

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importation of articles accompanying any person arriving in the United States when such articles are for his personal use and not for sale if (A) such articles are within the limits of types and quantities determined by the Secretary pursuant to paragraph (2) of this subsection, and (B) such person has not been granted an exemption under this subsection within thirty days immediately preceding his arrival.

(2) The Secretary shall determine and publish in the Federal Register lists of the types of articles and the quantities of each which shall be entitled to the exemption provided by this subsection. In determining such quantities of particular types of trade-marked articles, the Secretary shall give such consideration as he deems necessary to the numbers of such articles usually purchased at retail for personal use.

(3) If any article which has been exempted from the restrictions on importation of the trade-mark laws under this subsection is sold within one year after the date of importation, such article, or its value (to be recovered from the importer), is subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not subject to the provisions of this paragraph.

(4) The Secretary may prescribe such rules and regulations as may be necessary to carry out the provisions of this subsection.

(e) **Merchandise bearing counterfeit mark; seizure and forfeiture; disposition of seized goods**

Any such merchandise bearing a counterfeit mark (within the meaning of section 1127 of title 15) imported into the United States in violation of the provisions of section 1124 of title 15, shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violations of the customs laws. Upon seizure of such merchandise, the Secretary shall notify the owner of the trademark, and shall, after forfeiture, obliterate the trademark where feasible and dispose of the goods seized—

(1) by delivery to such Federal, State, and local government agencies as in the opinion of the Secretary have a need for such merchandise,

(2) by gift to such eleemosynary institutions as in the opinion of the Secretary have a need for such merchandise,

(3) more than 1 year after the date of forfeiture, by sale by appropriate customs officers at public auction under such regulations as the Secretary prescribes, except that before making any such sale the Secretary shall determine that no Federal, State, or local government agency or eleemosynary institution has established a need for such merchandise under paragraph (1) or (2), or

(4) if the merchandise is unsafe or a hazard to health, by destruction.

(June 17, 1930, ch. 497, title IV, § 526, 46 Stat. 741; Jan. 2, 1975, Pub. L. 93-596, § 3, 88 Stat. 1949; Oct. 3, 1978, Pub. L. 95-410, title II, § 211(a), (c), 92 Stat. 903.)

REFERENCES IN TEXT

Sections 81 to 109 of title 15, referred to in subsecs. (a) and (c), were repealed by act July 5, 1946, ch. 540,

§ 46(a), 61 Stat. 444. See sections 1051 to 1127, respectively, of Title 15, Commerce and Trade.

Section 106 of title 15, referred to in subsec. (a), was repealed by act July 15, 1946, ch. 540, § 46(a), 60 Stat. 444. See section 1124 of Title 15.

The customs laws, referred to in subsec. (b), are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Sept. 21, 1922, ch. 356, title IV, § 526, 42 Stat. 975. That section was superseded by section 526 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1978—Subsec. (a), Pub. L. 95-410, § 211(a)(1), substituted "Except as provided in subsection (d) of this section, it" for "It".

Subsec. (d), Pub. L. 95-410, § 211(a)(2), added subsec. (d).

Subsec. (e), Pub. L. 95-410, § 211(c), added subsec. (e).

CHANGE OF NAME

References to the Patent Office have been changed to the Patent and Trademark Office pursuant to Pub. L. 93-596, § 3, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

CROSS REFERENCES

False designations of origin and false descriptions forbidden, see section 1125 of Title 15, Commerce and Trade.

Importation of goods bearing infringing marks or names forbidden, see section 1124 of Title 15.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 1124; title 48 section 1643.

§ 1527. Importation of wild mammals and birds in violation of foreign law

(a) Importation prohibited

If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States, of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after June 17, 1930, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) Forfeiture

Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in

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violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) Section not to apply in certain cases

The provisions of this section shall not apply in the case of—

(1) Prohibited importations

Articles the importation of which is prohibited under the provisions of this chapter, or of section 42(a) of title 18, or of any other law;

(2) Scientific or educational purposes

Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Certain migratory game birds

Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

(June 17, 1930, ch. 497, title IV, § 527, 46 Stat. 741.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (b), are classified generally to this title.

CODIFICATION

In subsec. (c)(1), "section 42(a) of title 18" was substituted for "section 241 of the Criminal Code (18 U.S.C. 391)" on authority of Act June 25, 1948, ch. 645, 62 Stat. 683, the first section of which enacted Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

§ 1528. Taxes not to be construed as duties

No tax or other charge imposed by or pursuant to any law of the United States shall be construed to be a customs duty for the purpose of any statute relating to the customs revenue, unless the law imposing such tax or charge designates it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws. Nothing in this section shall be construed to limit or restrict the jurisdiction of the United States Court of International Trade or the United States Court of Appeals for the Federal Circuit.

(June 17, 1930, ch. 497, title IV, § 528, as added June 25, 1938, ch. 679, § 20, 52 Stat. 1087, and amended Oct. 10, 1980, Pub. L. 96-417, title VI, § 601(8), 94 Stat. 1744; Apr. 2, 1982, Pub. L. 97-164, title I, § 163(a)(3), 96 Stat. 49.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

AMENDMENTS

1982—Pub. L. 97-164 substituted "Court of Appeals for the Federal Circuit" for "Court of Customs and Patent Appeals".

1980—Pub. L. 96-417 redesignated the United States Customs Court as the United States Court of International Trade

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980 and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as an Effective Date of 1980 Amendment note under section 251 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

This section to take effect on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see Effective Date of 1938 Amendment note set out under section 1401 of this title.

**PART IV—TRANSPORTATION IN BOND AND
WAREHOUSING OF MERCHANDISE**

§ 1551. Designation as carrier of bonded merchandise

Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe—

(1) any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States,

(2) any contract carrier authorized to operate as such by any agency of the United States, and

(3) any freight forwarder authorized to operate as such by any agency of the United States,

upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant.

(June 17, 1930, ch. 497, title IV, § 551, 46 Stat. 742; Dec. 28, 1945, ch. 605, 59 Stat. 667; Aug. 24, 1962, Pub. L. 87-598, 76 Stat. 400; Oct. 23, 1962,

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latory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission or that other acts within the purview of the import control provisions of section 6(c) of the Tuna Conventions Act of 1950 as amended, are occurring or are likely to occur, may communicate his belief to the Bureau Director. Every such communication shall contain or be accompanied by a full statement of the reasons for the belief, including a detailed description of such specific acts or events as may support the belief, and such other pertinent facts as may indicate a need for instituting an investigation as authorized in this part.

(c) Upon receipt by the Bureau Director of any communication submitted pursuant to paragraph (b) of this section and found to comply with the requirements of that paragraph, the Bureau Director promptly shall cause such investigation to be made as appears to be warranted by the circumstances of the case. In conducting such investigation the Bureau Director or his designated representative shall consider any representations offered by foreign interests, importers, brokers, domestic producers, or other interested persons. Unless good cause to the contrary shall exist, every such investigation shall be completed within 60 days following receipt of the communication.

§ 281.6 Publication of findings.

It shall be determined on the basis of § 281.5 that species of fish subject to regulation or under investigation by the Commission, as the case may be, are ineligible for entry into the United States from a particular country pursuant to the provisions of section 6(c) of the Act, the Bureau Director, with the approval of the Secretary of the Interior and, when required by law, with the concurrence of the Secretary of State, shall publish a finding to that effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding in the FEDERAL REGISTER every shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry either directly

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or indirectly from the country named in the finding shall be denied entry unless it shall be established by satisfactory proof pursuant to § 281.7 that a particular shipment of such fish is not ineligible for entry: *Provided*, That entry shall not be denied and no such proof shall be required for any such shipment which, on the date of such publication, was in transit to the United States on board a vessel operating as a common carrier.

§ 281.7 Proof of admissibility.

(a) For the purposes of § 281.6 of this part and section 8(c) of the Tuna Conventions Act of 1950, as amended, a shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry, directly or indirectly, from a country named in a finding published under such § 281.6 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility certifying, as may be appropriate, that the tuna in the shipment: (1) Are not of the species specified in the published finding; (2) are of the species named in the published finding but were not taken in the regulatory area; or (3) are of the species named in the published finding but are products of an American fishery lawfully taken in conformity with applicable conservation laws and regulations and landed in the country named in the published finding solely for transshipment. The certificate shall be attached to the invoice and be in the following form:

CERTIFICATE OF ELIGIBILITY

I, _____, an authorized officer of the Government of _____, certify that the shipment of tuna fish accompanied by this certificate, consisting of _____ (Quantity) of _____ (Species) in _____ (Number and kind of packages or containers) bearing the following marks and numbers _____:

☐ (a) Contains no tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended. [A certificate of authentication executed by a consular officer or a consular agent of the United States must be attached.]

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☐ (b) Contains tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish were caught in the waters of _____

(Identify area or areas in which fish were taken) by vessels subject to the jurisdiction of _____ (Country), and that none of the said fish were taken in any part of the eastern Pacific Ocean subject to conservation regulations pursuant to recommendations of the Inter-American Tropical Tuna Commission. [A certificate of authentication executed by a consular officer or consular agent of the United States must be attached.]

☐ (c) Contains tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish, as shown in the attached declaration, were taken in strict conformity with applicable conservation laws and regulations in a fishing enterprise conducted under the American flag by vessels of the United States, are products of an American fishery within the meaning of Schedule 1, Part 15A, Tariff Schedules of the United States, were landed in a foreign country solely for transshipment without change in condition and are eligible for free entry under such Schedule and 19 CFR 10.78-10.79. [Where an entry is to be made pursuant to this paragraph, this certificate must be executed by a consular officer or consular agent of the United States and the declaration(s) required by 19 C.F.R. 10.79 must be attached.]

(Signature)

(Title)

(Address)

(b) If the tuna fish are offered for entry under paragraph (a) or (b) of the Certificate of Eligibility, the certificate must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States. Such certificate of authentication shall be attached to

the Certificate of Eligibility and be substantially in the following form:

ss:

I, _____ (Name of consular officer or consular agent), _____ (Title) of the United States of America at _____ (Place), duly commissioned and qualified, do hereby certify that _____ (Name of foreign official) whose true signature and official seal are, respectively, subscribed and affixed to the annexed certificate, was, on the _____ day of _____, 19____, the date thereof, _____, (Title of foreign official) duly commissioned and qualified, to whose official acts faith and credit are due.

In witness whereof I have hereunto set my hand and affixed the seal of the _____ at _____, this _____ day of _____, 19____.

(Signature)

(Name and full title of officer)

(c) If the tuna fish are offered for entry under paragraph (c) of the Certificate of Eligibility, the certificate must be executed by a consular officer or consular agent of the United States and be accompanied by the declaration(s) required by 19 CFR 10.79. The "Declaration of Master and Two Members of Crew on Entry of Products of American Fisheries," required by 19 CFR 10.79, must contain a further statement as follows: "We further declare that the said tuna fish were caught by use in full compliance with Part 280, Title 50, Code of Federal Regulations, and such other conservation laws and regulations as were applicable at the time the fishing operation was in progress."

§ 281.8 Removal of import restrictions.

Upon a determination by the Bureau Director that the conditions no longer exist which warranted the imposition of import restrictions against the country named in the finding published pursuant to § 281.6, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to such effect in the FEDERAL

**Summarization of Import Controls: Consular Functions
(Excerpt, 19 CFR 123.72)**

§ 123.72

§ 123.72 Treatment of stolen vehicles returned from Mexico.

District directors shall admit without entry and payment of duty allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, under the provision of Executive Order 7965, dated August 29, 1938 (T.D. 49851), if accompanied by a letter from the U.S. Embassy in Mexico City containing:

(a) A statement that the Embassy is satisfied from information furnished it that the property is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936, and

(b) An adequate description of the property for identification purposes.

**PART 125—CARTAGE AND
LIGHTERAGE OF MERCHANDISE**

Sec.

125.0 Scope.

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125.2 Supervision of cartage and lighterage.

125.3 Contracts for Government cartage.

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125.11 Cartage for examination in public stores.

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125.31 Documents used.

125.32 Merchandise delivered to a bonded store or bonded warehouse.

125.33 Procedure on receiving merchandise.

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125.34 Countersigning of documents and notation of bad order or discrepancy.

125.35 Report of loss, detention or accident.

125.36 Inability to deliver merchandise.

Subpart E—Liability

125.41 Liability of cartman or lighterman.

125.42 Cancellation of liability.

AUTHORITY: R.S. 251, as amended, secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 66, 1565, 1624. Additional authority and statutes interpreted or applied are cited in parentheses following the sections affected.

SOURCE: T.D. 73-140, 38 FR 13554, May 23, 1973, unless otherwise noted.

§ 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen. Provisions for licensing cartmen and lightermen are in Part 112 of this chapter.

Subpart A—General Provisions

§ 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman under contract or other specific authority for that purpose (except as provided for in § 125.12).

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman.

§ 125.2 Supervision of cartage and lighterage.

All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise being carried.

§ 125.3 Contracts for Government cartage.

Contracts for Government cartage shall be procured by formally advertised solicitation for bids and award of contract or by negotiation in accordance with the appropriate provisions of the Federal Procurement Regulations, as supplemented by the special procurement requirements of the U.S. Customs Service.

7 FAM 574 Exhibit 574.1

(TL:CON-14; 3-28-85)

INFORMATION ON IMPORT CONTROLS

(Maintain Supply of Forms/Publications for Post
Reference, Shippers, and Response to Public Inquiries)

SUBJECT

SOURCE

General information on
important by the U.S.
Government.

19 CFR 10.100-10.104.

Information on importation
by a military department,
the General Services
Administration, and the
Department of Energy.

32 CFR 6.601 and subsequent
sections; also, 19 CFR 10.102.

Comprehensive Customs
regulations on imports controls,
marking of goods, quotas,
drawbacks, dumping, products
of forced labor, plus
conditions governing entry of
gifts, household effects,
tools of trade, trademarked
articles, and other items.

19 CFR, Customs Duties, a well-
indexed volume, particularly
valuable in its provision of
citations to statutes and cross-
references to pertinent regulations
of other U.S. Government agencies.
Chapter I of the volume deals
with antidumping and countervailing
duties.

"Importing Into the United
States" (formerly, "Exporting
to the United States"). A
comprehensive booklet of over
100 pages on U.S. Customs
restricted or prohibited
importations, and requirements
of other agencies which
Customs helps to enforce.

Customs publication available by
requisition from:

U.S. Customs Service
Attn.: Publication and
Reproduction
6 World Trade Center
New York, N.Y. 10048.

Customs Form 5515, "Special
Customs Invoice."

Available by requisition from
address shown above for distribution
to foreign shippers, as needed.

Instruction for preparation of "Special Customs Invoice" (available in English, Spanish, French, German, and Japanese).

Available by requisition from address shown above.

Customs Form 5519, "Invoice Details for Cotton Fabrics and Linens."

Available by requisition from address shown above for distribution to foreign shippers, as needed.

Customs Form 5523, "Invoice Details for Footwear." foreign shippers, as needed.

Available by requisition from address shown above for distribution to

Customs Hints for Returning U.S. Residents--"Know Before You Go."

Available by requisition from:

U.S. Customs Service
Attn.: Publication and
Reproduction
World Trade Center
New York, N.Y. 10048.

Customs Hints for Visitors (nonresidents of the United States) , in English.

Available by requisition from address shown above.

Customs Tips for Visitors (Leaflet issued in English, French, Spanish, German, Italian, Hungarian, Polish, Yugoslavian, Czechoslovakian, Portuguese, Dutch, and Korean languages. Provides foreign visitors basic information on clearing U.S. Customs.

Available by requisition from address shown above for most editions. Chinese and Japanese language editions available from customs officers in Hong Kong and Tokyo.

PA 1083, "Travelers Tips." Leaflets carry a warning in English, Italian, Spanish, German, and French about rigid prohibition of unlicensed importation of meats, fruits, vegetables. and other foods.

Available semiannually by requisition from:

APHIS,
Information, Room 732
Federal Building
6505 Belcrest Road
Hyattsville, MD 20782

Standards language replacing former Invoice of Returned American Goods and Declaration of Foreign Exporter (LF 3311; former FS-129, now discontinued).

19 CFR 10.1 and 10.8.

Certification of American Goods Returned by Government Agency.

19 CFR 103.

Controls on importation of narcotic drugs.

Information available from:

Drug Enforcement Administration
Department of Justice
Washington, D.C. 20537.

Information on plant protection and quarantine on plants plant products, and plant pests. Controlled by the Animal and Plant Health Inspection Service (APHIS), Department of Agriculture.

Plant Quarantine Act of 1912, as amended (7 U.S.C. 151-161); 7 CFR 319 et seq.. Shippers requiring guidance may write to:

Permit Unit, Plant Protection
and Quarantine Programs
U.S. Department of Agriculture
Hyattsville, MD 20782.

Administration of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (P.L. 104, June 25, 1947; 61 Stat. 163), as amended by the Federal Environmental Pesticide Control Act of 1972 (P.L. 92-156, October 21, 1972; 86 Stat. 973), by the Federal Pesticide Act of 1978 (P.L. 95-396, October 30, 1978; 92 Stat. 819), and by other subsequent acts.

7 U.S.C. 136 et seq.. Inquiries may be directed to:

Office of Pesticide and
Toxic Substances
Environmental Protection Agency
Washington, D.C. 20460.

Registration of pesticide and toxic substances for import.

See 40 CFR 162.6 and 19 CFR 12.111 for registration requirements.

Notice of shipment of pesticides and toxic substances prior to arrival, on EPA form 3540-1, "Notice of Arrival."

See 19 CFR 12.112 for pre-shipment requirements. For more information, inquirers may write to the EPA

Pet bird pamphlet, "Worth Repeating." Also, Veterinary Service (VS) form 1723, "Importation of Pet Birds."

Inquiries may be addressed to:

Senior Staff Veterinarian,
Import/Export of Animals and
Products, APHIS
Veterinary Services,
U.S. Department of Agriculture,
Hyattsville, MD 20782

Information about controls on importation of live horses, cattle, sheep, goats, and other ruminants, swine, poultry, and so forth, as well as on certain animal products, and about prohibitions and restrictions relating to rinderpest, foot and mouth disease, and other ailments.

See 9 CFR 92-94.

Information about controls on importation of meat products.

Inquiries may be addressed to:
Processed Meat Inspection Division
Consumer and Marketing Service
Department of Agriculture
Washington, D.C. 20520.

Also,

See 9 CFR 94 and 95 for Veterinary Services regulations. Inquiries may be addressed to:

Veterinary Services
Animal and Plant Health
Inspection Service
U.S. Department of Agriculture
Hyattsville, MD 20782.

Formats for foreign official inspection certificates.

See 9 CFR 325.1, 325.6, 325.7 meat

Information about entry of untanned hides and skins, wool, hair, bristles, or glue stock.

See 9 CFR 95.5 through 95.10. Shippers who need further guidance may write to the address shown above.

Information on treatment of animal products:

--Products for use, wholly or partially, for fertilizer or animal feed;	9 CFR 95.14]
--Bone meal and/or blood albumen for industrial use] 9 CFR 95.15]
--Glands, ox gall, and similar material for use in manufacture of pharmaceutical products; and] Shippers who need further guidance may write to APHIS, Veterinary Services, at address shown above.
--Hay and straw packing materials.] 9 CFR 95.21]
Information on importation of animal casings.	Controlled by APHIS, Veterinary Services (see address shown above).
Formats for foreign official inspection certificates.	9 CFR 96.1.
Department of Health and Human Services regulations under the Federal Food, Drugs and Cosmetic Act, the Tea Importation Act, the Import Milk Act, the Hazardous Substances Act, the Caustic Poison Act, and the Filled Milk Act.	21 CFR, Food and Drugs. Shippers any address inquiries to: Food and Drug Administration Department of Health and Human Services Washington, D.C. 20204.
Information about importation on psittacine birds (such as parakeets and parrots), dogs, cats, monkeys, etiological agents and vectors, lather brushes and remains of persons who died from quarantinable diseases.	42 CFR 71.141 through 71.189. Controlled by: Foreign Quarantine Program National Communicable Disease Center U.S. Public Health Service Atlanta, GA 30333; and by: APHIS Veterinary Services, U.S. Department of Agriculture Hyattsville, MD 20782 (See 9 CFR 92, 94, and 96.)

Information about importation of migratory birds and of other wildlife, including

mammals, birds, fish, mollusks, crustaceans, amphibians, reptiles, or their progeny or eggs; of feathers of wild birds; and of game animals from Mexico.

Foreign assets control restrictions on importation from North Korea and North Vietnam.

Information on administration of gold regulations.

Information about controls on atomic energy source material and fissionable material.

Information on licensing procedures for the export, temporary import, and in-transit shipment of firearms, ammunition, and other defense articles and defense services covered by the U.S. Munitions List

Information about the importation of firearms and ammunition.

50 CFR 10 through 23; 19 CFR 12.26. Controls covered by regulations of:

The Bureau of Sport Fisheries and Wildlife
Department of the Interior
Washington, DC 20240;

and by: APHIS (address above).

31 CFR 505.10 (North Korea and North Vietnam).
Shippers who require further particulars may write to:

Foreign Assets Control
Department of the Treasury
Washington, DC 20220.

31 CFR 56. Controlled by the Department of the Treasury (address above).

10 CFR, Energy. Refer inquiries to:

Assistant Secretary for
Nuclear Energy
Department of Energy
Washington, DC 20585.

22 CFR 121 through 130.
Administered by the:

Office of Munitions Control
(PM/MC)
Department of State
Washington, DC 20520.

18 U.S.C. 922 (a) (93); also
State Airgram CA-1589 of
March 13, 1969.

Inquiries may be referred to:

Bureau of Alcohol, Tobacco
and Firearms
Department of the Treasury
Washington, DC 20226.

NOTE.--Firearms taken out of the United
States and being returned fall within the
purview of the U.S. Customs Service.
Inquiries may be referred to:

U.S. Customs Service
Department of the Treasury
1301 Constitution Avenue
Washington, DC 20229.

Ship's Masters' Declarations and Related Certificates (Excerpt from 19 CFR 4.13)

(Page 1 of 2)

Ship's Masters' Declarations and Related Certificates (Excerpt from 19 CFR 4.13)

Chapter I—United States Customs Service**§ 4.13**

tion of the merchandise in such packages are correctly given.

(c) Manifest discrepancies (shortages and overages) of petroleum and petroleum products imported in bulk shall be reported on Customs Form 5931, if the discrepancy exceeds one percent.

(R.S. 251, as amended, secs. 440, 584, 624, 46 Stat. 712, as amended, 748, as amended, 759 (19 U.S.C. 88, 1440, 1584, 1624))

[T.D. 80-142, 45 FR 36383, May 30, 1980]

§ 4.13 Alcoholic liquors on vessels of not over 500 net tons.²⁵

(a) When a vessel of not over 500 net tons which arrives from a foreign port or a hovering vessel, has on board any alcoholic liquors, a certificate respecting the importation of any spirits, wines, or other alcoholic liquors on board, other than sea stores, shall be delivered to the boarding officer with

²⁵"In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. * * *." (19 U.S.C. 1707)

the inward foreign manifest. Each such certificate shall consist of a declaration of the master of the vessel, together with the certificate of a consular officer of the United States or other authorized person, and shall cover only one shipment from one consignor to one consignee or firm of consignees. The document shall be in substantially the following form:

DECLARATION OF MASTER AND CERTIFICATE COVERING SHIPMENT OF SPIRITS, WINES, OR OTHER ALCOHOLIC LIQUORS ON A VESSEL OF 500 NET TONS OR LESS (19 U.S.C. 1707)

Declaration of Master. I declare that the following merchandise is being shipped in accordance with the facts here stated as true and correct to the best of my information and belief:

Date of shipment: _____
Marks, numbers, and quantities: _____
Port of arrival: _____
Consignor: _____
Full description of goods: _____
Consignee: _____

(Signature)

Master of the _____
(Name of vessel)

(Port of shipment)

19—

(Date)

(Use whichever alternative applies:)

Certificate of Consular Officer. I certify that the above declaration was this day produced and signed before me by the individual whose signature appears, that I am satisfied he is the person he represents himself to be, that I have delivered one copy hereof to him, and that I have retained a copy in my files.

Service number not required. _____
(Post)

Tariff item No. 58(a) (no fee). _____
(Date)

[CONSULAR
IMPRESSION
SEAL]

(Signature)

(Title)

Certificate of Other Authorized Person. I certify that I have been designated by letter of _____, 19—, from (insert name of Officer), American (title) at (place), to provide certifications upon declarations made

Ship's Masters' Declarations and Related Certificates
(Excerpt from 19 CFR 4.13) -- Continued

§ 4.14

by masters under § 7 of the Anti-Smuggling Act of 1935 (19 U.S.C. 1707), that the above declaration was this day produced and signed before me by the individual whose signature appears, that I am satisfied he is the person he represents himself to be, that I have no interest in the shipment described, that I have delivered one copy hereof to the person making the declaration, and that I have forwarded one copy to the American (Embassy, Consulate General, Consulate) at (place).

[SEAL NOT
REQUIRED]

(Port of shipment)

19--(Date)

(Signature)

(Title)

The provisions of this paragraph, read together with those of § 91.4, Title 22, Code of Federal Regulations, constitute the joint regulations contemplated for issuance by the Secretary of State and the Secretary of the Treasury under section 1707, title 19, United States Code.

(b) When any shipment of spirits, wines, or other alcoholic liquors found on board a vessel not exceeding 500 net tons is not accompanied by a certified declaration as described in paragraph (a) of this section but is shown to have a bona fide destination outside the United States, the master shall furnish a landing bond on Customs Form 7593 with an authorized corporate surety.

(c) The condition of the landing bond shall be satisfied by the delivery to the district director within 6 months from the date of the bond of a landing certificate or certificates of a revenue officer of the country of destination showing that all the alcoholic liquors have been landed at their foreign destination.

(Sec. 7, 49 Stat. 520; 19 U.S.C. 1707)

[28 FR 14596, Dec. 31, 1963, as amended by T.D. 67-201, 32 FR 12557, Aug. 30, 1967; 32 FR 12750, Sept. 6, 1967]

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

(a) *Dutiability of foreign repairs and equipment purchases.* (1) *Items subject*

Title 19—Customs Duties

to duty. The equipment, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses for repairs made, including the cost of labor incurred, outside the United States, upon any vessel documented under the laws of the United States with a registry, coastwise trade license, or Great Lakes license endorsement, or intended to be employed in such trade, are dutiable at the rate of 50 percent ad valorem on the actual cost in the country where the items are purchased or the repairs are made. Liability for declaration, entry, and payment of duties accrues at the time of the first arrival of the vessel in a port of the United States. For the purposes of this section, equipment, repair parts or materials purchased, or repairs made, in American Samoa, the Guantanamo Bay Naval Station, Guam, Puerto Rico, or the U.S. Virgin Islands are not considered to have been purchased or made outside the United States.

(2) *Dutiable costs on specific types of vessels—*(i) *Fishing vessels.* Documented vessels of the United States with a fishery license endorsement having a permit to touch and trade (see § 4.15) and documented vessels with a fishery license endorsement which lack a permit to touch and trade are subject to this section.

(ii) *Government-owned or chartered vessels.* Vessels owned or chartered by the United States Government, if documented with a registry, coastwise trade, or Great Lakes trade endorsement, or if undocumented, intended to engage in foreign, coastwise or Great Lakes trade, are subject to this section. See paragraph (b)(2)(i) of this section with respect to entry procedures for Government vessels.

(iii) *Special purpose vessels—*(A) *Defined.* A vessel which is documented with a registry, coastwise trade, or Great Lakes trade endorsement, but is designed and used primarily for purposes other than transporting passengers or merchandise, is considered to be a "special purpose vessel."

(B) *Requirements for declaration and entry.* The owner or master of a special purpose vessel shall declare and enter all items purchased, or re-

